THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16536 OF 2006

ORAL ORDER:

The petitioner is a retired employee of Visakhapatnam Port Trust. It is stated that he belongs to Konda Kapu community, which is recognized as Scheduled Tribe. However, the 2nd respondent having conducted enquiry, passed order dated 1.5.2006, in exercise of the powers under Section 5(1) of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993, cancelling the Konda Kapu Caste Certificate obtained by the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent. It is stated that he has also filed an application seeking stay of operation of the order of cancellation, dated 1.5.2006. However, the 1st respondent failed to consider the same and, in the meanwhile, the respondents are taking steps to implement the order of cancellation, dated 1.5.2006. Hence, this writ petition is filed seeking a declaration that the action of the 1st respondent in not considering the application for stay, pending the appeal, is arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

Since the material on record shows that the statutory appeal preferred by the petitioner against the order of cancellation dated 1.5.2006, is pending before the 1st respondent, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to consider the application for stay filed by the petitioner and to pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Till such time, the order passed by the 2nd respondent dated 1.5.2006 shall not be given effect to. No costs.

09-8-2006

Office to furnish CC
by Tomorrow
(B.O.)
kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16536 OF 2006

9th August, 2006.

Between:

Ganta Padma Raju. .. Petitioner.

And

The Govt. of A.P., represented by its
Prl. Secretary, Social Welfare Department,
Secretariat, Hyderabad and two others. .. Respondents.